

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY V. MAESTAS,

Plaintiff,

v.

SACRAMENTO COUNTY JAIL,

Defendants.

Case No. 2:21-cv-00665-JDP (PC)

ORDER DIRECTING THE CLERK OF  
COURT TO ASSIGN A DISTRICT JUDGE  
TO THIS ACTION

FINDINGS AND RECOMMENDATIONS  
THAT PLAINTIFF'S SECOND AMENDED  
COMPLAINT BE DISMISSED WITHOUT  
LEAVE TO AMEND FOR FAILURE TO  
STATE A CLAIM

ECF No. 24

FOURTEEN-DAY DEADLINE

Plaintiff Randy Maestas proceeds on this second amended complaint, alleging that various defendants at the Sacramento County Jail violated his Eighth Amendment rights by denying him adequate medical care. ECF No. 24. His allegations, however, are difficult to understand and do not adequately put any defendant on notice of the claims against him or her. In my last screening order, I warned plaintiff that this would be his final opportunity to amend before I recommended that this action be dismissed. *See* ECF No. 23 at 3.

## Screening Order

### I. Screening and Pleading Requirements

A federal court must screen a pro se litigant's complaint. *See* 28 U.S.C. § 1915(e)(2). The court must identify any cognizable claims and dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(b).

A complaint must contain a short and plain statement that plaintiff is entitled to relief, Fed. R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on its face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). If the allegations "do not permit the court to infer more than the mere possibility of misconduct," the complaint states no claim. *Id.* at 679. The complaint need not identify "a precise legal theory." *Kobold v. Good Samaritan Reg'l Med. Ctr.*, 832 F.3d 1024, 1038 (9th Cir. 2016). Instead, what plaintiff must state is a "claim"—a set of "allegations that give rise to an enforceable right to relief." *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc) (citations omitted).

The court must construe a pro se litigant's complaint liberally. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). However, "'a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled.'" *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

1           **II.     Analysis**

2           Plaintiff's allegations could be described as an uncontextualized jumble of names,  
3 position titles, and injuries. In his first claim, he references a hernia injury, a nervous breakdown,  
4 and unspecified problems with his ribs and kidney. ECF No. 24 at 3. He does not connect the  
5 alleged failures to treat these conditions to any of the listed defendants. Plaintiff's other two  
6 claims, involving a broken nose and complications from hernia surgery, are no more viable.  
7 While I am sympathetic to plaintiff's allegations of poor care and the litany of ailments that are  
8 alleged to have afflicted him, I cannot serve this complaint. No defendant could be reasonably  
9 expected to understand, from this complaint, how he or she is alleged to have violated plaintiff's  
10 rights. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 (2002) (observing that the purpose of the  
11 complaint is to "give the defendant fair notice of what the plaintiff's claim is and the grounds  
12 upon which it rests") (internal quotation marks and citations omitted).

13           I find that leave to amend would be futile. This is plaintiff's third complaint, and he is no  
14 closer to meeting the federal pleading standards.

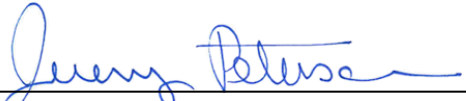
15           It is ORDERED that the Clerk of Court shall assign a district judge to this action.

16           Further, I RECOMMEND that plaintiff's second amended complaint, ECF No. 24, be  
17 dismissed without leave to amend.

18           These recommendations will be submitted to the U.S. district judge presiding over the  
19 case under 28 U.S.C. § 636(b)(1)(B) and Local Rule 304. Within fourteen days of the service of  
20 these findings and recommendations, plaintiff may file written objections with the court. That  
21 document must be captioned "Objections to Magistrate Judge's Findings and Recommendations."  
22 The presiding district judge will then review the findings and recommendations under 28 U.S.C.  
23 § 636(b)(1)(C).

24  
25           IT IS SO ORDERED.

26           Dated: August 8, 2022

27             
28           JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE